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(1)

HONRABLE HIGH COURT OF JUDICATURE AT BILASPUR

W.P. NO. 1991 /2004. **S.B.**

PETITIONER :- Kalipad Biswas aged about – 42.yrs. S/o. Late Surendra Nath Biswas R/o. Pathara Guda P.S. -Kotwali- Jagdalpur at present Prisoner No-. 2361 . Central jail Jagdalpur . Bastar C.G.

(In jail)

RECEIVED COPY 25/6/04 Clerk to A G. Bilaspur

P. R. No. 1755/04 Presented by Shri Sanjiv Tiwari dated 25-6-04

VERSUS

RESPONDANTS:- 1:- State of C.G. through secretary for home department ,D.K. S. Bhawan Shastri Chowk Raipur.C.G.

2:- Superintendent Central jail Jagdalpur. Distt- Bastar . C.G.

3:- Collector / District Megistrate Jagdal pur/ Dist- Bastar. C.G.

दायां अंगूठा निशान मेरे समक्ष किया 12/5/04 सहायक जेलर केन्द्रीय जेल, जगदलपुर

WRITT PETITION UNDER ARTICLE 226 / 227 OF CONSTITUTION OF INDIA

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(23)

आदेश पत्रक

मामला क्रमांक WP/1091/2004 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

25-8-2004

Smt. Savita Tiwari, counsel for the petitioner.

Shri Bhaskar Pyasi, Panel Lawyer for the State/respondents.

Heard both the counsel.

The petitioner has preferred this petition under Articles 226/227 of the Constitution of India for directing the respondents to release the petitioner on one month parole to perform the last rites of his late mother.

The petitioner's petition is that he was accused before the Sessions Court, Jagdalpur. Vide its judgment dated 30th September 2000 he was convicted for commission of the offence under Section 201 of the I.P.C. and sentenced to undergo R.I. for 3 years. The petitioner preferred an appeal before this Court, which was registered as Cr. A. No.2645/2000 and this Court dismissed the appeal on 4-8-2003. Thereafter, the petitioner preferred S.L.P. before the Hon'ble Apex Court. The Hon'ble Apex Court also dismissed the S.L.P. vide Annexure-P/3.

The petitioner's further case is that on 10-9-2003 the petitioner's mother died, therefore, he be directed to be released on parole.

It has nowhere been mentioned in this petition that after dismissal of his appeal by this Court on 4-8-2003, when he surrendered before the trial Court to undergo the sentence. Moreover, more than one year has been passed since the death of his mother.

In the circumstances, I do not find any reason to admit and allow this petition by invoking the extraordinary jurisdiction. Therefore, the petition is liable to be dismissed and the same is dismissed.

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(24)

आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
Barve	However, the petitioner is at liberty to move the State Government and jail authorities for releasing him on parole in accordance with law. Consequently, M.(W.)P. No.1794/2004 and I.A. Nos.4688/2004 & 4689/2004 stand disposed of. Sd/- L.C. Bhadoo Judge	

[पीछे देखिये